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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,940	07/11/2000	COREY SIMONS	10,0818	1745

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EXAMINER

RYMAN, DANIEL J

ART UNIT PAPER NUMBER

2665

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,940

Applicant(s)

SIMONS ET AL.

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6, 8-32, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4, 6, 8-17 and 19-31 is/are allowed.
- 6) ☒ Claim(s) 18, 32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 1, 4, 6, 9, 11-13, 18, 20-23, 25, 26, 28, 29 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Examiner acknowledges the filing of an RCE on 16 September 2005.
2. Applicant asserts that claims 34 and 35 are allowable for the reasons presented with respect to the preceding independent claims. These reasons focus on the amendments to the claims, which require a specific configuration of forwarding and switch cards that is not disclosed in the prior art. Examiner asserts that claims 34 and 35 have not been amended to include the specific configuration of cards, which Applicant argues is patentable. As such, Examiner maintains the rejection of claims 34 and 35.

Claim Objections

3. Claim 1 is objected to because of the following informalities: in line 15, “distributed fabric transfer” should be “distributed data transfer”. Appropriate correction is required.
4. Claim 4 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 discloses that “the central switch fabric subsystem is located on at least one switch fabric card”. Claim 1, which claim 4 depends upon, discloses that the central switch fabric subsystem is located on at least two switch fabric cards (first and second switch fabric card). As such, claim 4 broadens rather than limits claim 1.
5. Claim 6 is objected to because of the following informalities: in line 2, “switch fabric” should be “switch fabric card”. Appropriate correction is required.

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6. Claim 9 is objected to because of the following informalities: in line 2, “subsystem comprises” should be “subsystem further comprises”. Appropriate correction is required.

7. Claim 11 is objected to because of the following informalities: in line 1, “wherein said” should be “wherein a” and in line 3 “and capable” should be “and is capable”. Appropriate correction is required.

8. Claim 12 is objected to because of the following informalities: in line 2, “subsystem further” should be “subsystem and the network device further”. Appropriate correction is required.

9. Claim 13 is objected to because of the following informalities: in line 3, “couple” should be “couples”; in line 5, “a central” should be “the central”; and in line 5 “coupled” should be “couples”. Appropriate correction is required.

10. Claim 18 is objected to because of the following informalities: in line 3 “and further” should be “and the network device further”. Appropriate correction is required.

11. Claim 20 is objected to because of the following informalities: in line 13, “distributed fabric transfer” should be “distributed data transfer” and lines 12-15 of the claim are redundant in view of the original lines 16-19. Appropriate correction is required.

12. Claim 21 is objected to because of the following informalities: in line 2, “and further” should be “and the network device further” and in line 6 “subsystems” should be “subsystem”. Appropriate correction is required.

13. Claim 22 is objected to because of the following informalities: in line 2 and in line 3 “comprises” should be “is”. Appropriate correction is required.

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14. Claim 23 is objected to because of the following informalities: in line 2, “comprise a” should be “are” and in line 3 “comprises” should be “are”. Appropriate correction is required.

15. Claim 25 is objected to because of the following informalities: in line 5, “at least one distributed switch fabric subsystem located on at least one said forwarding card” should be “at least one distributed fabric subsystem” since the phrase “at least one forwarding card” implies that the subsystem could be on multiple cards where the claim previously limits the subsystem to being located on a single card; in line 13, “said distributed” should be “said at least one distributed”; and in line 14, “fabric” should be “data”. Appropriate correction is required.

16. Claim 26 is objected to because of the following informalities: in line 1, “wherein the” should be “wherein the at least one”. Appropriate correction is required.

17. Claim 28 is objected to because of the following informalities: in line 1, “wherein the” should be “wherein the at least one”. Appropriate correction is required.

18. Claim 29 is objected to because of the following informalities: in line 1, “wherein the” should be “wherein the at least one”. Appropriate correction is required.

19. Claim 32 is objected to because of the following informalities: in line 3 “and further” should be “and the network device further”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

20. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

21. Claims 18 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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22. Claims 18 and 32 recite the limitation "the local timing subsystem" in line 4. There is insufficient antecedent basis for this limitation in the claim. The claims previously refer to two separate local timing subsystems, one for the central switch fabric subsystem and one for the distributed switch fabric subsystem. From the context of the claims, it is not clear to which local timing subsystem "the local timing subsystem" refers.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson et al. (USPN 6,449,275) in view of Blanc et al. (USPN 6,411,599).

25. Regarding claim 34, Andersson discloses a method of operating a network device, comprising: switching network packet data through a central switch fabric subsystem (ref. 22m) and a plurality of distributed switch fabric subsystems (ref. 22a1-22a4) (Figs. 1 and 2 and col. 6, line 60-col. 7, line 20, esp. col. 7, lines 17-20). Andersson does not expressly disclose that at least one of the distributed switch fabric subsystems comprises a primary distributed switch fabric subsystem and at least another one of the distributed switch fabric subsystems comprises a redundant distributed switch fabric subsystem; removing the primary distributed switch fabric subsystem from the network device during network device operation; and switching over to the redundant distributed switch fabric subsystem. Blanc teaches, in a switching system, providing two switch fabric subsystems where each switch subsystem is connected to the same inputs in

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order to ensure continuous switching processes through redundancy (col. 1, lines 48-53 and col. 2, lines 16-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to have at least one of the distributed switch fabric subsystems comprise a primary distributed switch fabric subsystem and at least another one of the distributed switch fabric subsystems comprises a redundant distributed switch fabric subsystem; to remove the primary distributed switch fabric subsystem from the network device during network device operation; and to switch over to the redundant distributed switch fabric subsystem in order to ensure continuous switching processes through redundancy.

26. Regarding claim 35, Andersson in view of Blanc discloses that the central switch fabric subsystem is a first central switch fabric subsystem and further comprising: switching network data through a second central switch fabric subsystem and the plurality of distributed switch fabric subsystems; removing one of the first and second central switch fabric subsystems from the network device during network device operation; and switching over to the other of the first and second central switch fabric subsystems (Blanc: col. 1, lines 48-53 and col. 2, lines 16-34).

Allowable Subject Matter

27. Claims 1, 4, 6, 8-17, and 19-31 are allowed. The prior art does not disclose or fairly suggest having a distributed fabric subsystem coupled to a central fabric subsystem wherein the subsystem are located on multiple switch cards and forwarding cards in the configuration outlined in the claim.

28. Claims 18 and 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

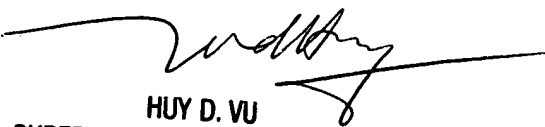
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman
Examiner
Art Unit 2665

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